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October 17, 2011

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 53 – September 2011
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn and Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On September 1, EPA called CPG to request that the CPG conduct a multi-beam survey of the Lower Passaic River (LPR) as soon as possible in response to Hurricane Irene.
- On September 7, EPA (HQI) and CPG (M&N) contractors met to discuss LPR/Newark Bay modeling activities.
- On September 13, EPA and CPG representatives met to discuss ongoing LPRSA RI/FS Study activities as part of a regularly scheduled update.
- On September 28, EPA, CPG, and EPA (HQI) and CPG (M&N) contractors held a conference call to discuss comments on the River Mile (RM) 10.9 Hydrodynamic Study QAPP.
- On September 29, EPA and CPG held a modeling collaboration meeting.

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Correspondence

- On September 1, CPG provided EPA and update on the status of the LPR conditions following Hurricane Irene with an approximate schedule for resuming the RM 10.9 Characterization activities.
- On September 2, CPG uploaded the 2009 Benthic Sediment and 2010 Benthic Co-located Sediment Chemistry Data Report to the EPA SharePoint site.
- On September 6, CPG submitted a position paper on human health risk assessment issues for dispute resolution to EPA.
- On September 7, CPG posted the RM 10.9 Hydrodynamic Study QAPP to the EPA SharePoint site.
- On September 8, CPG submitted a letter to EPA summarizing the final agreement between EPA and CPG contractors regarding changes to the organic carbon model in the LPR/Newark Bay Modeling Work Plan.
- On September 9, CPG provided EPA with Anchor QEA's report titled: Lower Passaic River; Low Resolution Coring Split Sample PCB and PAH Results (September 2011).
- On September 14, EPA indicated agreement with the CPG September 8 letter that summarized the agreement regarding the changes in the organic carbon model and requested the CPG incorporate the proposed changes into the LPR/Newark Bay Modeling Program.
- On September 14, 15, 19, 20, 21, 22, 26, 27, 28 and 29, CPG conducted field activities in support of the RM 10.9 Characterization and submitted daily reports to EPA regarding these activities.
- On September 15, CPG submitted the Monthly Progress Report to EPA.
- On September 15, EPA requested the CPG provide a table summarizing Threshold Risk Values (TRVs) from literature with the final proposed TRVs.
- On September 16, CPG provided a summary of current modeling approaches for EPA and CPG modeling teams to EPA.
- On September 16, EPA provided CPG a schedule of proposed split sampling activities for the RM 10.9 Characterization field work.
- On September 19, CPG notified EPA that they have agreed to conduct a bathymetric survey of the LPRSA as requested by EPA.
- On September 19, CPG uploaded the revised 2009 Bioaccumulation Tissue Data Report to the EPA SharePoint site.
- On September 19, CPG uploaded the revised 2009 Fish/Crab Data Report to the EPA SharePoint site.
- On September 19, CPG notified EPA that it would begin the Post-Hurricane Irene Bathymetric Survey field activities on October 3, 2011 and provided details for the survey.

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- On September 21, CPG provided EPA a table summarizing how individual TRVs were derived from the primary literature studies.
- On September 21, CPG submitted updated RM 10.9 QAPP documents to the EPA.
- On September 21, EPA responded to CPG's August 31, 2011 Force Majeure notification and approved the schedule delay to the RM 10.9 Characterization field work.
- On September 22, CPG notified EPA that the Supplemental Sediment Sampling Program (SSP) QAPP had been uploaded to the EPA SharePoint site.
- On September 22, EPA provided CPG comments on the RM 10.9 Hydrodynamic Study QAPP.
- On September 27, EPA approved the Field Modification for the Post-Hurricane Irene Bathymetry Survey.
- On September 28, EPA sent CPG a letter regarding the EPA's collection of samples at several parks located in North Arlington and Lyndhurst adjacent to the Passaic River.
- On September 28, EPA sent CPG a letter to clarify the issues related to the CPG's invoking dispute resolution with respect to the submittal of the Low Resolution Coring (LRC) Report.
- On September 28, CPG submitted responses to EPA comments on the RM 10.9 Hydrodynamic Study QAPP.
- On September 29, EPA responded to the CPG responses to EPA comments on the RM 10.9 Hydrodynamic Study QAPP.
- On September 30, CPG submitted responses to EPA September 29 comments on the RM 10.9 Hydrodynamic Study QAPP.

Work

- CPG continued conducting the RM 10.9 Characterization field activities beginning on September 14 following a temporary stand down due to the affects of Hurricane Irene.
- CPG developed and submitted a Field Modification to the 2010 Bathymetric Survey QAPP to conduct a Post-Hurricane Irene Bathymetric Survey of the LPR.
- CPG responded to EPA comments on the RM 10.9 Characterization QAPP and re-submitted a revised document to EPA.
- CPG continued work on revisions to the RM 10.9 Bathymetry Survey report.
- CPG completed drafting the Hydrodynamic Survey sections of the RM 10.9 Characterization QAPP and submitted it to EPA.
- CPG completed chemical analysis of composited mussels collected during the spring 2011 Caged Bivalve Study (CBS) and initiated validation of the data.

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- CPG continued planning activities for the High Volume Chemical Water Column Monitoring (CWCM) QAPP Addendum.
- CPG completed drafting the SSP QAPP and submitted it to EPA.
- CPG completed drafting of the summer/fall 2009 Fish/Decapods Tissue Data Report and submitted it to EPA.
- CPG completed drafting of the fall 2009 Benthic Sediment and 2010 Co-located Sediment Chemistry Data Report and submitted it to EPA.
- CPG completed drafting of the fall 2009 Benthic Bioaccumulation Tissue Data Report and submitted it to EPA.
- CPG continued drafting the fall 2009 Benthic Survey toxicity data report.
- CPG continued drafting the winter/spring 2011 Avian Survey Report.
- CPG Modeling Team continued work on the HQI ECOM-SEDZLJS Sediment Transport Model code including calibration for low-flow conditions utilizing CPG input files.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.
- CPG continued development of a FS cost estimating framework.

(b) Results of Sampling and Tests

- On September 16, CPG submitted Electronic Data Deliverables (EDDs) with unvalidated data associated with the analysis of composite tissue samples from the spring 2011 CBS to EPA.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will continue to conduct the RM 10.9 Characterization field activities.
- CPG will begin data validation of the RM 10.9 Characterization analytical data.
- CPG will continue planning activities to implement the SSP QAPP.
- CPG will conduct the RM 10.9 Hydrodynamic Study.
- CPG will conduct the Post-Hurricane Irene Bathymetric Survey of the LPR.
- CPG will continue drafting of the fall 2009 Benthic Survey toxicity data report.
- CPG will continue drafting the 2010 Small Foraging Fish Tissue Chemistry Data Report.

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- CPG will continue responding to EPA comments on the spring 2010 Benthic Community Survey field report.
- CPG will continue drafting the 2011 Avian Survey Report.
- CPG will continue to revise the risk assessment planning documents (Background/Reference Site, Ecological Life History Profiles, and Data Usability documents) in response to EPA comments.
- CPG will continue validation of the spring 2011 CBS data.
- CPG will continue chemical analysis of the Small Volume (SV) CWCM Event #1 water column samples.
- CPG will initiate validation of the SV CWCM Event #1 data.
- CPG will continue planning activities for the High Volume CWCM QAPP Addendum.
- CPG Modeling Team will continue work with the HQI ECOM-SEDZLJS code, inputs, and low to medium flow calibration and continue work with the RCATOX code and inputs.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Based upon discussions with EPA, the CPG understands that the calibration of the HQI sediment transport model was completed by the EPA Modeling Team during the fourth quarter of CY 2010 and that changes were and continue to be made to the HQI SEDZLJS code and inputs used by EPA in its calibration. It is also the CPG's understanding that EPA is continuing work to improve their calibration. As such, the CPG is continuing to work on both its high flow calibration and its long-term daily calibration. The EPA and CPG collaboration meetings were conducted in April, May, July and September; these meetings are providing an opportunity for both modeling teams to understand difference between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is the CPG's understanding that the execution of the AOC between

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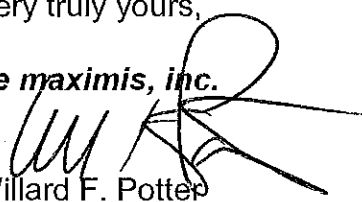
EPA and Tierra or other signatories has not been completed. It is also the CPG's understanding that the Method Detection Studies and other work must be completed prior to the start of the Phase 1 work. The extent of the RI/FS schedule impacts is dependent on the completion of these items.

- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. EPA has extended the dispute resolution period until November 9, 2011.
- The CPG submitted a Force Majeure notice to EPA on August 31, 2011 that the RM 10.9 Characterization field work had been suspended due to flooding associated with Hurricane Irene. The resumption of the field work was delayed until September 14, 2011 due to the flooding conditions and damage to and re-installation of the CPG floating dock supporting RM 10.9 sampling vessels. EPA approved the Force Majeure schedule delay on September 21, 2011.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.


Willard F. Potter
Project Coordinator

cc: Pat Hick, EPA Office of Regional Counsel
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